

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

L AURO SANCHEZ, JUAN EUSEBIO SANTIAGO,  
and GUSTAVO MENDEZ, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

-v-

COSAN CONSTRUCTION CORP., AMCG INC.,  
TRADE SOLUTIONS INC., TERRENCE JAMES  
FERGUSON, and AARON KING,

Defendants.

CIVIL ACTION NO.: 21 Civ. 6744 (JLR) (SLC)

**ORDER TO SUBMIT  
SETTLEMENT MATERIALS**

**SARAH L. CAVE**, United States Magistrate Judge.

The parties have advised the Court that they have reached a settlement in principle. Accordingly, the conference scheduled for January 5, 2024 (ECF No. 118) is CANCELLED.

This case contains one or more claims arising under the Fair Labor Standards Act. In light of the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the parties must file a joint Letter-Motion that addresses whether the settlement is fair and reasonable.

The parties must file their Letter-Motion by **February 2, 2024** for the attention of the Honorable Jennifer L. Rochon, and should address the claims and defenses, Defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the Plaintiffs' case and Defendants' defenses, any other factors that justify the discrepancy between the potential value of Plaintiffs' claims and the settlement amount, the litigation and negotiation

process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint Letter-Motion should also explain the attorneys' fee arrangement, attach a copy of any retainer agreement, and provide information as to actual attorneys' fees expended (including billing records and costs documentation). Finally, a copy of the settlement agreement itself must accompany the joint Letter-Motion.

The Court's ruling on Plaintiffs' Motion for Class Certification (ECF No. 103) is HELD IN ABEYANCE pending review and approval of the parties' settlement agreement. All other deadlines are ADJOURNED sine die.

The Clerk of Court is respectfully directed to terminate the January 5, 2024 conference.

Dated: New York, New York  
January 3, 2024

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge